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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|-----------------|---------------------------------------|----------------------|---------------------|-----------------|
| 09/491,675 | 01/26/2000 | David L. Multer | FUSN1-01001US0 | 8895 |
| 28554 | 7590 02/05/2008 | | EXAMINER | |
| | AGEN MARCUS & DE | ENIRO LLP | | |
| | T STREET SUITE 2500 ISCO, CA 94105 | | ART UNIT | PAPER NUMBER |

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | Application No. | Applicant(s) | | | |
|---|---|--------------------------------------|----------------------------|------------------------|--|--|
| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | | 09/491,675 MULTER ET AL. | | • | | |
| | | Examiner | Art Unit | | | |
| | | ALAM, SHAHID | 2162 | | | |
| • | The MAILING DATE of this communication app | pears on the cover sheet with the c | correspondence | address | | |
| The Ap | peal Brief filed on 14 January 2008 is defective | for failure to comply with one or r | more provisions | of 37 CFR 41.37. | | |
| 1205.0 | id dismissal of the appeal, applicant must file an 3) within ONE MONTH or THIRTY DAYS from t ISIONS OF THIS TIME PERIOD MAY BE GRA | he mailing date of this Notification | | | | |
| 1. 🗌 | The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order. | | | | | |
| 2. 🛚 | The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)). | | | | | |
| 3. 🗌 | At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)). | | | | | |
| 4. 🛛 | (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). | | | | | |
| 5. 🛚 | The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)) | | | | | |
| 6. 🗌 | The brief does not present an argument under a 41.37(c)(1)(vii)). | separate heading for each groun | d of rejection on | appeal (37 CFR | | |
| 7. | The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)). | | | | | |
| 8. 🗌 | The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal , along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)). | | | | | |
| 9. 🗌 | The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)). | | | | | |
| 10. | Other (including any explanation in support of t | he above items): | | | | |
| | Item 2. The Appeal Brief does not provide the status Items 4 and 5. Only the claims involved in the appea Rejection sections of the Appeal Brief. | | invention and the | Grounds of | | |
| | | PATENT AF | LORENDA HOO PEAL CENTER | rve D SPECIALIST | | |